

MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 54th Session, March 10, 1967

Meeting commenced at 1:05 P.M.

Present: Wooster, Lowman, Swackhamer, Kean, Schouweiler, Torvinen, Hilbrecht (late)

Absent: Dungan, White

SJR 12: Proposes to amend Nevada Constitution by authorizing sessions of Supreme Court outside Carson City.

Mr. James Guinan, of the Nevada State Bar Association, was present to speak for the bill

MR. GUINAN: Three-fourths of the appeals to the Supreme Court come from Clark County. If they were allowed to meet down there, they could schedule appeals down there and it would be much cheaper and much more convenient. This would not cost anybody any money. It just makes it possible for the Supreme Court to sit in Clark County if it becomes necessary.

MR. LOWMAN: Does the present law make it necessary for them to meet in the seat of government?

MR. GUINAN: Yes, it does.

MR. KEAN: Did you say it would not cost anything?

MR. GUINAN: It will not now. It might later. All facilities are there for them to meet. It is just a matter of sending the Justices down there. This will be five Justices, if we get the additional two.

SJR 22: Proposes constitutional amendment to require Supreme Court to sit en banc and deletes quorum provisions.

MR. GUINAN: This is also a constitutional amendment which would require the Court to sit en banc. If the number of Justices is increased, three would constitute a quorum. If you have two panels and they disagree, it becomes necessary to call a new court and do the whole thing over.

MR. KEAN: How will it help to have five Justices if they have to all sit together?

MR. GUINAN: They can farm out the opinions. You could get almost twice as many cases heard as you can with three.

MR. KEAN: If there were to be five Justices and you have to have three to make a decision, which three must it be?

MR. GUINAN: Any three. Just a majority of three.

MR. LOWMAN: What would happen if one judge became ill and couldn't sit. Would that keep them all from sitting?

MR. GUINAN: No. If one is unavailable, a District Judge could sit with them.

MR. KEAN: How do you propose to get around the constitution to get five Justices?

MR. GUINAN: Some think it is all right to have an election to fill a vacancy on the Supreme Court.

MR. SWACKHAMER: But how do you get the vacancy?

MR. WOOSTER: Is this bill contingent on five Justices?

MR. GUINAN: No.

SB 71: Specifies circumstances under which total number of directors of private corporation can be reduced to less than three.

MR. GUINAN: Two years ago we allowed for only two directors in certain circumstances, but Russ forgot to change so that you could incorporate, also, with only two. This is a clean-up bill. It came from the Delaware Code originally. You don't have to have any more directors than you have stockholders.

Mr. Kean moved Do Pass SB 71

Mr. Schouweiler seconded

Motion passed unanimously

SJR 12: Proposes to amend Nevada Constitution by authorizing sessions of Supreme Court outside Carson City.

Mr. Lowman moved to postpone indefinitely

Mr. Schouweiler seconded

Motion passed unanimously

SJR 22: Proposes constitutional amendment to require Supreme Court to sit en banc and deletes quorum provisions.

MR. WOOSTER: I think this is a good bill.

MR. SCHOUWEILER: I think it is, also.

MR. SWACKHAMER: It seems reasonable.

Mr. Lowman moved Do Pass SJR 22

Mr. Schouweiler seconded

Motion passed unanimously

SB 345: Recognizes Alaska and Hawaii as states of United States, for purposes of Uniform Act for Out-of-State Parolee Supervision

MR. WOOSTER: This is a bill to conform. It is strictly a language thing.

Mr. Kean moved Do Pass SB 345

Mr. Lowman seconded

Motion passed unanimously

SB 256: Provides for recording of security interests in power district property.

MR. WOOSTER: This is a technical bill, which requires power companies to record trans-

actions as public utilities.

MR. TORVINEN: A power district is a public utility?

MR. WOOSTER: No.

MR. SWACKHAMER: Are there power districts in the state?

MR. LOWMAN: Yes, two.

Mr. Torvinen moved Do Pass SB 256

Mr. Kean seconded

Motion passed unanimously

SB 180: Prohibits solicitation of automobile repairs and towing service on highways.

MR. SWACKHAMER: As I read this, a truckdriver cannot come along and help you out if you are off in the ditch, or he would be illegal.

MR. KEAN: There are two suggestions here, really.

MR. WOOSTER: Can we put out 2 and delete 1?

MR. KEAN: I think we should delegate this stuff to local governments. I agree that there is a need for it.

Mr. Kean moved to enable the counties to take care of the chain monkeys.

MR. WOOSTER: Shouldn't we hear from Don Brown on this?

Mr. Kean moved to amend out section 1 and make statute for county option to take care of this by licensing these people.

Mr. Schouweiler seconded

Motion passed unanimously

AB 437: Provides additional method for exclusion of land from Clarke-McNary Fire Protection District.

Mr. Torvinen moved Do Pass AB 437

Mr. Kean seconded

Motion passed unanimously

AB 85: Authorizes use of certificate of deposit in lieu of required cash payment or surety bond.

Mr. Kean explained the history of this bill. He developed and got approval on a system whereby a person could put up a certificate of deposit, on which he would receive the interest, instead of cash on which the state would have any returns on the money. He said he has been using the system for years and it is terrific. Some of those entitled to use this system under this bill are: Gasoline fuel dealers, diesel fuel dealers, special fuel dealers, cigarette dealers, NIC, Industrial Insurance Fund, etc.

Mr. Torvinen moved Do Pass AB 85 with amendment

Mr. Lowman seconded

Motion passed unanimously

MR. SWACKHAMER: Harry McKissick is concerned with the image of the legislature because of AB 353. He thinks the less publicity given to a bill like that, the better for the legislature. He is going to try to have the bill re-referred to the Committee on Judiciary.

MR. TORVINEN: I agree with Harry. Every city ordinance has rules to take care of things like this.

MR. SWACKHAMER: I don't believe we should be enacting statutes that could be taken care of locally.

Meeting was adjourned at 2:00 P.M.